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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,451	01/31/2001	John SanGiovanni	MS155616.1/40062.104US01	8035
23552	7590	01/26/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, NHON D	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/773,451

**Applicant(s)**

SANGIOVANNI, JOHN

**Examiner**

Nhon (Gary) D Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-15, 24, 33, 34, 41, 42, 51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 11, 24, 33, 34, 41, 42, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01212005</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is responsive to amendment filed 08/20/2004.
2. Claims 10-15, 24, 33, 34, 41, 42, 51 and 52 are pending in this application. Claims 10-12, 24, 33, 34, 41, 42, 51 and 52 are independent claims. In the amendment, claims 1-9, 16-23, 25-32, 35-40 and 43-50 are canceled, claims 10-15, 24, 33, 34, 41, 42, 51 and 52 are amended, and no claim is added. This action is made non-final.
3. The indicated allowability of claims 11, 24, 33, 34, 41, 42, 51 and 52 are withdrawn in view of newly interpretations to the claim language. Rejections based on the newly interpretations to the claim language follow.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 24, 33, 34, 41, 42, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Vayda et al. ("Vayda", US 5,798,760).

As per claim 24, Vayda teaches in a computing system having a display, an operating system, and a graphical user interface, a navigational interface for inputting text elements and control elements into the computing system, the navigational interface comprising:

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a sensor pattern radially divided into a central sensory portion (404 of fig. 4), a petals sensory portion (408 of fig. 4) and an outer circumferential portion (412 of fig. 4); the central sensory portion forming a single sensory portion; the petals sensory portion angularly divided into sensory petals distributed about the central sensory portion, each sensory petal forming a single sensory portion; the outer circumferential portion angularly divided into outer sensory segments (404, 408, and 412 of fig. 4);

the display associated with the sensor pattern and radially divided into a central display portion, a petals display portion and an outer circumferential display portion; the central display portion corresponding to the central sensory portion; the petals display portion angularly divided into display petals distributed about the central display portion, each display petal corresponding to a sensory petal; the outer circumferential display portion divided into outer display segments, each outer display segment corresponding to an outer sensory segment (404, 408, and 412 of fig. 4);

the text elements and control elements being associated with the central sensory portion, the sensory petals and the outer sensory segments, individually and in a plurality of combinations of the same; and text elements and control elements being selected through a selection stroke applied to one or more of the central sensory portion, the sensory petals and the outer sensory segments whereby text elements and control elements are input into the computing system (col. 6, lines 54-65 and lines 42-45);

wherein the selection stroke is a press and lift at the same outer sensory segment whereby the control element activates an application installed on the computing system (col. 9, lines 26-50);

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wherein the control stroke begins at a sensory petal and continues to at least one other sensory portion of the sensor pattern whereby the control element selected activates performance of a control operation task controlling operations in an activated application (fig. 5; col. 9, line 51 – col. 10, line 14); and

wherein the other sensory portion is the central sensory portion and the control element selected executes an operation of the application (e.g. fig. 3, col. 7, lines 9-34; dragging highlight 306 from command selectors 308 back to central sensory portion 304).

As per claims 41, 51 and 33, Vayda teaches a computer implemented method and corresponding system for inputting text and control information into the computing system, the navigational interface comprising: comprising the steps/means:

detecting a selection stroke at the input device, the selection stroke requesting performance of a particular task in the computing system (col. 4, lines 41-51, col. 6. lines 13-22 and col. 5, lines 1-19);

dividing a sensory portion into a plurality of sensory portions including a central sensory portion, a plurality of sensory petals, and an outer sensory portion, each sensory portion representing an information element associated with a task to be performed in the computing system (col. 6, lines 15-16, fig. 3 and fig. 4);

interpreting the selection of at least one information element from a selection stroke on at least one sensory portion; and executing an instruction, based on one or more information elements interpreted by the act of interpreting, to perform the particular task in the computing

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system whereby control operation and textual input are applied to the computing system (col. 6, lines 54-65, col. 6, lines 42-45 and col. 6, lines 13-22); and

wherein the selection stroke begins on a sensory petal (fig. 5; col. 9, line 51 – col. 10, line 14); continues to the central sensory portion; and terminates at the central sensory portion (404 of fig. 4), whereby the task performed is a drag-in task performing a control operation in the computing system (e.g. fig. 3, col. 7, lines 9-34; dragging highlight 306 from command selectors 308 back to central sensory portion 304).

As per claims 42, 52 and 34, Vayda teaches a computer implemented method and corresponding system for inputting text and control information into the computing system, the navigational interface comprising: comprising the steps/means:

detecting a selection stroke at the input device, the selection stroke requesting performance of a particular task in the computing system (col. 4, lines 41-51, col. 6. lines 13-22 and col. 5, lines 1-19);

dividing a sensory portion into a plurality of sensory portions including a central sensory portion, a plurality of sensory petals, and an outer sensory portion, each sensory portion representing an information element associated with a task to be performed in the computing system (col. 6, lines 15-16, fig. 3 and fig. 4);

interpreting the selection of at least one information element from a selection stroke on at least one sensory portion; and executing an instruction, based on one or more information elements interpreted by the act of interpreting, to perform the particular task in the computing

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system whereby control operation and textual input are applied to the computing system (col. 6, lines 54-65, col. 6, lines 42-45 and col. 6, lines 13-22); and

wherein the selection stroke begins on a sensory portion; and continues to the outer sensory portion whereby the task performed is cancellation of the task identified in the selection stroke.

Vayda teaches selection stroke begins at a sensory portion other than the outer sensory portion (e.g. 404 of fig. 4) and continues to the outer sensory portion (e.g. 412 of fig. 4) to allow users to select among greater number of executable commands or menus (col. 9, lines 33-50) and it is inherent that one of the selected commands would be a cancel task initializing the plurality of information elements to an immediate previous instance.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vayda.

As per claim 11, Vayda teaches in a computing system, a navigational interface for inputting text and control information into the computing system, the navigational interface comprising:

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an input pointer generating a selection stroke when operated by the user (col. 4, lines 41-51 and col. 6, lines 13-22), the selection stroke indicative of a request to enter text or to perform a task in the computing system (col. 5, lines 1-19);

a sensor pattern device radially divided into a plurality of sensory portions, the sensor pattern device detecting the selection stroke and identifying at least one selected sensory portion included in the selection stroke (col. 6, lines 15-16, fig. 3 and fig. 4); and

a first information element associated with a task to be performed in the computing system and referenced by one of the plurality of sensory portions (col. 6, lines 54-65);

a second information element associated with text to be entered in the computing system and referenced by one of the plurality of sensory portions (col. 6, lines 42-45); and

at least one selected sensory portion selected by the selection stroke, whereby information entering text in the computing system and requesting performance of a particular task by the computing system is input by the selection stroke (col. 6, lines 54-65 and col. 6, lines 42-45).

an interface interpretation module recognizing the selection stroke on the sensor pattern and entering the text or performing the task associated with the selected information element (col. 6, lines 13-22).

Wherein the sensor pattern comprises:

a central sensory portion forming a single sensory portion (404 of fig. 4);

a petals sensory portion angularly divided into sensory petals distributed about the central sensory portion, each sensory petal forming a single sensory portion (408 of fig. 4); and



an outer sensory portion associated with the sensory petals so that circumferential parts of the outer sensory portion are associated with individual sensory petals (412 of fig. 4).

Vayda teaches select/execute menu screens includes both text-operating module such as Word Processing (col. 6, lines 49-65) and control-operating module such as Edit (col. 7, lines 35-44). Vayda does not disclose the text-operating module activated when the selection stroke is initiated in the central sensory portion; and the control-operating module activated when the selection stroke is initiated on a sensory portion other than the central sensory portion. Examiner takes Official Notice those selecting on different positions on the screen for activating different operating modes is just a design choice and would have been obvious to one ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the features of selecting on different positions on the screen for activating different operating modes in Vayda's system since it would have improved the flexibility of activating operating modes.

***Allowable Subject Matter***

8. Claims 10 and 12-15 are allowed.

9. The following is an examiner's statement of reasons for allowance:

Independent claim 10, when considered as a whole, is allowable over the Prior Art of record. Specifically, the Prior Art of record fail to clearly teach or suggest a navigational interface for inputting test and control information into the computing system wherein the selection stroke begins at a sensory petal and continues to at least one other sensory portion pattern whereby the information input into the computing system is task information controlling

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operations in an application installed on the computing system; and wherein the other sensory portion is the central sensory portion whereby the information input into the computing system is a drag task executing an operation of the application.

Independent claim 12, when considered as a whole, is allowable over the Prior Art of record. Specifically, the Prior Art of record fail to clearly teach or suggest a navigational interface for inputting test and control information into the computing system wherein the selection stroke begins at a sensory portion other than the outer sensory portion and continues to the outer sensory portion whereby the information input into the computing system is a cancel task initializing the plurality of information elements to an immediate previous instance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Inquiries*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen  
January 21, 2005

BA HUYNH  
PRIMARY EXAMINER